

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

July 14, 1998

DIVISION ONE

B110418 People (Certified for Partial Publication)
v.
Griffini

The judgment is reversed with respect to the trial court’s determination that defendant’s prior conviction in the State of Missouri for attempted robbery is a “strike” under the “Three Strikes” law (Pen. Code, §§ 667, subd. (d)(2), 1170.12, subd. (b)(2)). Defendant’s sentence is vacated and the matter is remanded to the trial court for resentencing. In all other respects, the judgment is affirmed.

Masterson, J.

We concur: Ortega, Acting P.J.
Dunn, J. (Assigned)

B118437 Funrise, Inc., etc., et al.
v.
Davis, et al.

Filed order granting motion to dismiss appeal. Appeal (notice of appeal filed December 24, 1997) dismissed.

DIVISION TWO

B098070 Sanchez
v.
T & O Taco, et al.

Filed order modifying opinion. (No change in the judgment.)

DIVISION TWO (Continued)

B106478 Daehlin (Not for Publication)
v.
Lundin, et al.

The judgment is modified by reducing the damages awarded to compensatory damages of \$750,000 (and no punitive damages), plus \$138,200 in attorney fees and 12,673.18 in costs. In all other respects, the judgment is affirmed. The parties are to bear their own costs on appeal.

Boren, P.J.

We concur: Nott, J.
Zebrowski, J.

DIVISION THREE

Court convened at 9:30 A.M.

Present: Klein, P.J., Croskey, J., Kitching, J., Aldrich, J., Goodman, J. (Assigned), and Valorie Gray, Deputy Clerk.

Each of the following:

B110120 People v. Woods
B117918 People v. Edwin K.
B112588 People v. Stewart
B115717 People v. Rasheedah W.
B116632 People v. Harold L.
B114986 People v. Pierce
B117362 People v. Pamer
B122136 Johnny P. et al. v. S.C.L.A.
B122730 Billie M. v. S.C.L.A.
B113463 Guerrero-Espinosa v. Wilcox
B115265 County of L.A. v. Miguel C.
B101006 People v. Bowie
B116906 People v. Verhalen
B116288 People v. Miller
B114891 People v. Ortiz
B114408 People v. Hernandez
B110314 People v. Preciado et al.

Argument waived, cause submitted.

DIVISION THREE (Continued)

B104869 People
 v.
 Chambers

Merits:

Argued by Marylou Hilberg for appellant and by Stephen Kaufman, deputy attorney general for respondent. Cause submitted.

B107505 People
 v.
 Perez, et al.

Merits:

Argued by Richard J. Moller and Kyle M. Wesendorf for appellants and by Peggie J. Bradford, deputy attorney general for respondent. Cause submitted.

B109706 Schilling
 v.
 Schilling

Merits:

Argued by Alfred A. Calabro for appellant and by Joseph DiGiulo for respondent. Cause submitted.

B112723 Budorick
 v.
 City of Los Angeles

Merits:

Argued by Daniel Burdorick, in propria persona and by Lisa Berger, deputy city attorney for respondent. Cause submitted.

DIVISION THREE (Continued)

B117063 Rea
 v.
 Rea

Merits:

Argued by Jeffrey M. Doeringer for appellant and by Lee W. Salisbury for respondent. Cause submitted.

B121954 Sabrina S.
 v.
 S.C.L.A.

Merits:

Argued by Robert A. Devine for petitioner and by Judith A. German, deputy county counsel for real party in interest and by Randall Pacheco for the minor. Supplemental letter due by real party in interest on July 24, 1998, responses due by petitioner and minor by August 3, 1998. Submission deferred.

B115243 Salinas
 v.
 City of Los Angeles, et al.

Merits:

Argued by Robert D. Belshaw for appellant and by Katherine Hamilton, deputy city attorney and Ann M. Maurer, for respondents.

B118920 Old Republic Ins. Co., et al.
B118923 v.
 S.C.L.A.
 (Nautilus Ins. Co., et al., r.p.i.)

Merits:

Argued by Joseph L. Stark and Barry R. Levy for petitioners and by Bryan A. Merryman for real party in interest. Cause submitted.

DIVISION THREE (Continued)

B108947 Haggis
 v.
 City of Los Angeles

Merits:

Argued by Richard P. Gerber for appellant and by William Waterhouse, deputy city attorney for respondent. Cause submitted.

Court recessed at 1:15 P.M.

The Court reconvened at 2:00 P.M.

Present: Klein, P.J., Croskey, J., Kitching, J., Aldrich, J., Goodman, J. (Assigned), and Valorie Gray, Deputy Clerk.

B112170 People
 v.
 Osegueda

Merits:

Argued by Martin Kassman for appellant and by Carl N. Henry, deputy attorney general for respondent. Cause submitted.

B115359 People
 v.
 Thomas

Merits:

Argued by Ava Stralla for appellant and by Louis W. Karlin, deputy attorney general for respondent. Cause submitted.

DIVISION THREE (Continued)

B108010 Spiegel
v.
Capital Cities/ABC, Inc.

Merits:
Argued by Philip Hoffman for appellant and by Christopher A. Thorn for respondent. Cause submitted.

B106337 County of Los Angeles
v.
Civil Service Commission

Merits:
Argued by Jeffrey M. Hausman for appellant and by James Rutkowski for respondent. Cause submitted.

Court adjourned at 3:35 P.M.

DIVISION FOUR

[illegible]

The Court:

For the foregoing reasons, the judgment is modified to award appellant an additional 365 days of presentence credit against his sentence and, as modified, is affirmed. The trial court is directed to prepare and forward to the Department of Corrections an amended abstract of judgment consistent with this opinion.

Vogel (C.S.), P.J., Epstein, J., Hastings, J.

July 14, 1998-Continued

DIVISION FOUR (Continued)

[illegible]

The judgment is affirmed. The matter is remanded with directions to vacate the orders dated September 4 and 29, 1997; to prepare an amended abstract of judgment in accordance with this opinion; and to forward the amended abstract to the Department of Corrections.

Vogel (C.S.), P.J.

We concur: Epstein, J.
Hastings, J.

B103299 People v. Myles (Not for Publication)

The judgment is reversed and the matter remanded for new trial.

Hastings, J.

We concur: Vogel (C.S.), P.J.
Cooper (F.M.), J. (Assigned)

DIVISION FIVE

B116439 People (Not for Publication)
v.
Anthony S.

The judgment is affirmed.

Turner, P.J.

We concur: Grignon, J.
Armstrong, J.

DIVISION FIVE (Continued)

B119700 People (Not for Publication)

V.

Michael Poulton

The appeal is dismissed.

Turner, P.J.

We concur: Grignon, J.
Godoy Perez, J.

B120740 People (Not for Publication)

V.

Frank Pace

The appeal is dismissed.

Turner, P.J.

We concur: Grignon, J.
Godoy Perez, J.

B119241 People (Not for Publication)

V.

Maximo Montoya

The judgment is modified to reflect the imposition of a \$200 additional restitution fine pursuant to Penal Code section 1202.45. In all other respects, the judgment is affirmed. The clerk of superior court is ordered to prepare an amended abstract of judgment which reflects both restitution fines and the laboratory fee.

Turner, P.J.

We concur: Grignon, J.
Godoy Perez, J.

July 14, 1998-Continued

DIVISION FIVE (Continued)

B114360 Donald Algie (Not for Publication)

V.

National Fire & Marine Insurance Company

The order is affirmed. Defendant, National Fire & Marine Insurance Company, shall recover its costs on appeal from plaintiff, Donald Algie.

Turner, P.J.

We concur: Grignon, J.
Godoy Perez, J.

B116180 People (Not for Publication)

B116205 v.

Marlon Niblett

The judgments are affirmed.

Grignon, Acting P.J.

We concur: Armstrong, J.
 Godoy Perez, J.

B110954 People (Not for Publication)

V.

Dickey James Johnson

The judgment is modified to reflect the Penal code section 654 stay of the eight-year sentence for kidnapping. As modified, the judgment is affirmed. The clerk of the superior court is to prepare an amended abstract of judgment and forward it to the Department of Corrections.

Turner, P.J.

We concur: Grignon, J.
Godoy Perez, J.

DIVISION FIVE (Continued)

B115159 People (Not for Publication)
v.
La La Flores

The judgment is modified to impose an additional restitution fine in the sum of \$200 pursuant to Penal Code section 1202.45. The clerk of superior court is to prepare an amended abstract of judgment which reflects in the space marked "OTHER ORDERS" the imposition of: a restitution fine pursuant to Penal Code section 1202.4, subdivision (b); an additional restitution fine pursuant to Penal Code section 1202.45; and a laboratory fee pursuant to Health and Safety Code section 11372.5, subdivision (a). In all other respects, the judgment is affirmed.

Turner, P.J.

We concur: Armstrong, J.
 Godoy Perez, J.

B118759 Jeffrey Brauer
v.
Equifax Commercial Specialist, Inc.

Filed order dismissing appeal. Appeal (notice of appeal filed January 8, 1998) dismissed.

B118565 People (Not for Publication)
v.
Edson D. Finnie

The judgment is affirmed.

Armstrong, J.

We concur: Grignon, Acting P.J.
Godoy Perez, J.

DIVISION FIVE (Continued)

B109259 People (Not for Publication)
v.
Charles Arthur Knox

The trial court's nunc pro tunc order is vacated. The abstract of judgment is ordered corrected as follows: (1) the convictions for simple kidnapping in violation of section 207 and for false imprisonment are stricken; (2) the 8-year terms for counts 4, 5 and 12 are stricken; (3) a 25-year-to-life term is imposed for counts 4, 5, and 12 (the section 12022.3 weapon enhancement terms remain in effect); and (4) appellant's total sentence is 153 years to life in state prison.

Armstrong, J.

We concur: Grignon, Acting P.J.
Godoy Perez, J.

B113984 People (Not for Publication)
v.
Miguel Sanchez

The judgment is affirmed.

Armstrong, J.

We concur: Grignon, Acting P.J.
Godoy Perez, J.

B109569 Judicial Counsel Coordination Proceedings No. 2967 "Lockheed Litigation Cases"

Filed order modifying opinion. Petition for rehearing is denied. (No change in the judgment.)

July 14, 1998-Continued

DIVISION SIX

B116442 People (Not for Publication)
v.
Richard M.

The matter is remanded in accordance with the views expressed herein. In all other respects, the judgment (dispositional order) is affirmed.

Stone, P.J.

We concur: Yegan, J.
Coffee, J.

B115213 People (Not for Publication)
v.
Shuemaker

The judgment is affirmed.

Gilbert, J.

We concur: Stone, P.J.
Yegan, J.

B111272 Herrera (Not for Publication)
v.
City of Redondo Beach

The order of the trial court is affirmed. Respondents' motion for sanctions is denied. Costs to respondents.

Coffee, J.

We concur: Gilbert, Acting P.J.
 Yegan, J.

July 14, 1998-Continued

DIVISION SIX (Continued)

B115082 Ramirez (Not for Publication)

V.

Truck Insurance Exchange

The judgment is affirmed with costs to Truck.

Yegan, J.

We concur: Stone, P.J.

Gilbert, J.

B109988 Wanger (Not for Publication)

V.

Grayson, Givner, Booke, Silver & Wolfe, et al.

The judgment is affirmed. Costs to respondents.

Yegan, J.

We concur: Stone, P.J.

Coffee, J.

DIVISION SEVEN

B114028 People (Not for Publication)

V.

Taylor

The judgment is affirmed.

Woods, J.

We concur: Johnson, Acting P.J.

Neal, J.

July 14, 1998-Continued

DIVISION SEVEN (Continued)

B115077 People (Not for Publication)
v.
Pitcher

The judgment is affirmed.

Woods, J.

We concur: Lillie, P.J.
Johnson, J.

B109989 Schaefer/Karpf
v.
CNA Insurance at al.

Filed order denying petition for rehearing.